

(4)

05 - 886

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Ralph Urban,
Debtor/Grantor-Appellant,

RALPH URBAN, *Grantor/Appellant*

v.

LINDA HAAG; GERALD TUTTLE; WILLIAM
HURLEY, *Defendant/Appellees.*

COUNTY OF YATES, *movant.*

State of New York, *noticed state law is chal.*

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
2nd Circuit

**2nd SUPPLEMENTAL BRIEF IN SUPPORT
OF CERTIORARI**

Ralph Urban, *Petitioner*
P.O. Box 1010
New York, N.Y. 10276

Introductory Statement:

On February 24, 2006 +/-, Petitioner/Urban received an Order from the New York State Court of Appeals (the State's highest Court;) dated 2/21/06, attached herein as Supplemental **Appendix "A."**

In said Order the state's highest Court REFUSED Urban a direct Appeal - as of Right - to challenge to the Constitutionality of State Statutes; thus Denying Urban Equal Protection under the Law.

Given that in said Order New York's highest court refused to review the constitutionality of CPLR 5235 (on a mandatory basis;) the same Question # 20 Presented to this Court (on a discretionary basis;) that puts additional pressure on this Court to review the question. If for no other reason than the New York State Court of Appeals refusal denies Urban Equal Protection.

Also, said state court refusal has created a new Question for this Court; presented as a *Supplemental Question*:

SUPPLEMENTAL QUESTION:

- (a) Given that Petitioner/Urban (in this Court) challenged the Constitutionality of NY CPLR 5235, under which the Sheriff (of Yates County) Seized and Sold Urban's 28 acres (not involved in the 75 acre "sale" to Haag & Tuttle;) ostensibly to "satisfy" Haag's Money Judgment, returning her \$16,500.00 down payment on her aborted purchase of 73 acres, - in as much as the Seizure & Sale of the 28 acres was done without a hearing or due process. See Question Presented # 20, of Cert Petition.

- (b) And Given that Petitioner/Urban also filed a "fail safe" separate direct Appeal in New York's highest court challenging the Constitutionality of CPLR 5235; **AS OF RIGHT** (NOT discretionary;) following final Judgment entered 11-17-05, in state case # 01-415; a case that Hurley illegally "commenced" in Contempt of exclusive Federal Jurisdiction, and Automatic Stay.
- (c) And Given, New York's highest court Denied Urban a Review of the issue, in violation of State Law which gives Urban **a direct RIGHT** to said review.
- (d) Does said denial, **deny Urban Equal Protection** under the Law?
- (e) And Does said denial, **deny Urban - Due Process?**

Note: Urban made it clear to NYSCA he could NOT go back the 4th Department, which FAILED to do their job **the first time** in 1991 (due to political interference in the judicial process;) **which is how** this case ended up in Federal Bankruptcy Court **in the first place**. THEREFORE, the NYSCA's offer to Urban to go back to the 4th Department is a **(thumb in your eye)** denial of Equal Protection, and denial of access to justice.

Also Note: that on JANUARY 27, 2006, Brooklyn Federal Judge the Hon. John Gleeson, found that the corrupt system Judges get selected in New York State (eliminating the separation of Powers between local Political Bosses and the judiciary,) **is Unconstitutional**. *See* Supplemental Brief dated 2/10/06.

NOTE FURTHER: this brings to mind a statement made by the Hon. Chief Justice John G. Roberts, Jr., to the press on 3/8/06 +/-, at Urban's home boy Ronald Reagan's

Library, commenting that his son John asked (when told of appointment to Chief Justice,) whether he also got a "sword" with the job. And Hon. Roberts answered, "No."

Well, it's respectfully submitted: Hon. Justice Roberts should have said "Yes!!" that the job does carry a Sword; to Slash & burn the roots & weeds that Sprout at pillars of American Democracy, seeking to cloud, erode, and eliminate separation of Power between local political bosses and the Judiciary, thus destroy the independence of the Judiciary.

CONCLUSION:

This Court has to review the Constitutionality of state law CPLR 5235, et al, NOW that New York State Court of Appeals has refused to do so, in open defiance for Urban's due process, and Equal Protection Rights to get that review; given State Law mandates Court cannot refuse that review.

And this Court should also review the general (and pervasive) lack of Justice that Petitioner/Urban received in the lower courts – which resulted in the outright Robbery of 103 acres of land, farm equipment, and three Registered

Thoroughbred Broodmares – a Robbery that was sanctioned by the lower courts; acting under obvious political duress.*

Respectfully Submitted by
Ralph Urban, *Petitioner*
P.O. Box 1010
New York, N.Y. 10276

Dated: MARCH 11, 2005

* Back in 1988, Petitioner/Urban was informed by political insiders that he had been targeted for reprisals (that included but was not limited to the use of the local courts;) because Urban had "publically challenged" the "**Absolute Power**" of the local politicians to: (a) Tax & spend with little of NO accountability to the taxpayers; and (b) to hire and fire local judges, who are expected to "legitimize" anything the local politicians or bureaucrats do, as a condition of their employment. This latter power was *curtailed* by Brooklyn Federal Judge Hon. John Gleeson (a saint) who ruled such power *Unconstitutional*. See Supp brief.

Appendix A

STATE OF NEW YORK COURT OF APPEALS

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the twenty first day of February 2006

PRESENT, Hon. Judith S. Kaye, Chief Judge, presiding.

Lower case no. 01-415

William Hurley,

Respondent,

-v-

Ralph Urban, et al., Appellant/Defendants.

The appellant having filed notice of appeal in the above title and due consideration having been thereupon had, it is

ORDERED, that the appeal be and the same hereby is transferred without costs, by the Court sua sponte, to the Appellate Division, Fourth Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (NY Const, art VI, §§ 3(b)(2), 5(b); CPLR 5601(b)(2).)

(Seal)

/s/

Stuart M. Cohen
Clerk of the Court

Appendix B

STATE OF NEW YORK
SUPREME COURT COUNTY OF YATES

-----x
WILLIAM C. HURLEY,

Plaintiff,

-vs-

RALPH URBAN,
LINDA HAAG, & GERALD TUTLE, Defendants.

-----x
Case No. 01 - 415
(illegal Real Estate case;)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, that now that this case is over, with final Judgment entered on 11/17/05; defendant Ralph Urban APPEALS to the New York State Court of Appeals, 20 Eagle Street, Albany, New York 12707, to review direct challenge the constitutional validity of the following state statutes:

- (1) To Challenge the Constitutionality of State Law that Allow the exact Same Lien to be applied against Two (2) Separate pieces of Real Estate (simultaneously;) And, for that same Lien to be Collected TWICE.
- (2) To Challenge CPLR 5235 (Sheriff's seizure & Sale of 28 acres belonging to Appellant Urban) without a hearing or due process.
- (3) To Challenge the Constitutionality of the Conflict between the States Ten (10) Year Statute of

Limitations that extinguishes "Liens" upon Real Estate (by operation,) - with CPLR 5235 (used by Sheriff Spike in Yates County) to seize and Sell 28 acres, to "satisfy" a Lien on the land of more than ten (10) Years. And Previously Satisfied under NYS-RPTL sec. 924-4, by a surplus from Tax Foreclosure Sale of 75 acres.

- (4) To Challenge CPLR 5235 as unconstitutional in that it allows USURY (without a hearing or due process.)
- (5) To Challenge the Constitutionality of CPLR 5235 overriding Federal Law (11 USC 362a), and In re: Porges 44 F3d 159-2 (2nd Cir 1995); which Freezes Jurisdiction in the Federal Courts.
- (6) To Challenge the Constitutionality of State Laws that allowed a Yates County real estate Tax Foreclosure (under non-bankruptcy state law,) to seize & Sell 75 acres of land Listed as Estate Property in US Chapter 11 Bankruptcy Schedules "A" & "B;"
- (7) To Challenge the Constitutionality of state law that allow courts and/or municipalities to conduct Tax Foreclosures in open defiance for Federal Law (the Automatic Stay – 11 USC 362 (a) (3)) of land being litigated in Federal Court.
- (8) To Challenge the Constitutionality of state law that allows a County Court Clerk (Yates), to disqualify a State Supreme Court Judge from review of her own Judgment/case (in Motion to Vacate Fraudulent Sheriff Sale, due to misread

Judgment, etc;) and assign case to a new County Judge.

Dated: December 5, 2005

/s/ _____ x
RALPH URBAN, Appellant
PO Box 1010
New York, NY 10276

Copy to: New York State Attorney General, Elliot Spitzer,
120 Broadway, New York, NY 10007, with NYCA Rule
500.9(c) Notice.

Copy: Haag/ Tuttle's widow/ Hurley.